

REMARKS

In the Office Action mailed July 13, 2009, the Examiner rejected claims 1, 7, 8, 11, 13, 15-25, 28, 29, 31-34, and 38-50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,923,321 to Shinmoto et al. ("*Shinmoto*") in view of U.S. Patent No. 4,738,668 to Bellotti et al. ("*Bellotti*"); in the alternative rejected claims 1, 7, 8, 11, 13, 15-25, 28, 29, 31-34, and 38-50 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti* and further in view of U.S. Patent No. 4,242,310 to Greff et al. ("*Greff*"); rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti* and further in view of U.S. Patent No. 4,882,496 to Bellotti et al. ("*Bellotti* (II)"); in the alternative rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti*, in view of *Greff*, and further in view of *Bellotti* (II); and rejected claims 26, 27, and 30 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti*, in view of *Greff*, and further in view of *Bellotti* (II).

By this Reply Applicant has amended claims 1, 29, and 33. Applicant has also cancelled claim 7. Claims 1, 8-33, and 38-50 are currently pending in this application. Support for the claim amendments can be found, for example, in the specification at page 14, line 14 - page 15, line 23 and in Fig. 6. No new matter is added by this Reply.

Section 103 Rejections

In the Office Action, the Examiner rejected claims 1, 7, 8, 11, 13, 15-25, 28, 29, 31-34, and 38-50 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti*. Applicant respectfully traverses this rejection and requests that the

Examiner withdraw the rejection at least because *Shinmoto* and *Bellotti* do not disclose or suggest each and every element of the claims.

In the Office Action, the Examiner conceded that *Shinmoto* does not disclose a “filter and flow generator that push a sterilizing gas to the interior of the connecting apparatus.” (Office Action at 3.) However, the Examiner contends that *Bellotti* discloses a flow generator (i.e., “ampoule or disinfectant member 40”). (Id.)

Even if the Examiner is correct, which Applicant does not necessarily concede, *Bellotti* does not disclose or suggest “wherein said flow generator includes a fan, the flow generator being configured to maintain an overpressure in the inner space of the container,” as recited in amended independent claims 1 and 29, or “wherein said flow of gas is generated by a fan, the fan being configured to maintain an overpressure in the inner space of the container,” as recited in amended independent claim 33. Rather, *Bellotti* discloses “[an] ampule [that] may include a strong acid and a rupturable cartridge containing an alkali carbonate salt and an alkali hypochlorite salt, to generate chlorine and carbon dioxide for pressurization upon breaking of the cartridge, with the result that the chlorine gas is forced into the interior of the connector for improved antibacterial effect.” (Col. 4, lines 18-24.) Accordingly, *Shinmoto* and *Bellotti* do not disclose or suggest each and every element of the claims.

At least because *Shinmoto* and *Bellotti* do not disclose or suggest each and every element of amended independent claims 1, 29, and 33, the Examiner should withdraw the rejection and allow the claims. The Examiner should also allow rejected claims 7, 8, 11, 13, 15-25, 28, 31, 32, and 38-50, at least due to their dependence from

one of allowable independent claims 1, 29, and 33, and due to their additional recitations of patentable subject matter.

Applicant also traverses the rejection of claims 1, 7, 8, 11, 13, 15-25, 28, 29, 31-34, and 38-50 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti* and further in view of *Greff*.

Greff discloses “[a] sterile connection apparatus . . . for enabling the connection of a first tube to a transfer tube of a medical solution container.” (Abstract.) *Greff* further discloses a housing 10 and “a spray can of a sterilizing agent, such as Betadine or hydrogen peroxide.” (Col. 3, lines 51-53.) *Greff* does not, however, remedy the deficiencies of *Shinmoto* and *Bellotti*. In other words, *Shinmoto*, *Bellotti*, and *Greff* do not disclose or suggest “wherein said flow generator includes a fan, the flow generator being configured to maintain an overpressure in the inner space of the container,” as recited in amended independent claims 1 and 29, or “wherein said flow of gas is generated by a fan, the fan being configured to maintain an overpressure in the inner space of the container,” as recited in amended independent claim 33.

At least because *Shinmoto* and *Bellotti* do not disclose or suggest each and every element of claims 1, 29, and 33, the Examiner should withdraw the rejection and allow the claims. The Examiner should also allow rejected claims 7, 8, 11, 13, 15-25, 28, 31, 32, and 38-50, at least due to their dependence from one of allowable independent claims 1, 29, and 33, and due to their additional recitations of patentable subject matter.

In the Office Action, the Examiner also rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti* and further in view of *Bellotti* (II).

The Examiner relies on *Bellotti* (II) for its alleged disclosure of a “base 14 that holds connectors, enclosed by lid 12 in order to provide a sterile location for connecting the fluid lines.” (Office Action at 7.) *Bellotti* (II), however, does not remedy the deficiencies of *Shinmoto* or *Bellotti* discussed above. Specifically, *Bellotti* (II) does not disclose or suggest “wherein said flow generator includes a fan, the flow generator being configured to maintain an overpressure in the inner space of the container,” as recited in amended independent claim 1.

At least because *Bellotti* (II) does not disclose or suggest each and every element of amended independent claim 1, from which claim 12 depends, the Examiner should withdraw this rejection and allow the claim.

The Examiner also rejected claim 12 in the alternative under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti*, in view of *Greff*, and further in view of *Bellotti* (II). As discussed above, *Greff* does not remedy the deficiencies of *Shinmoto*, *Bellotti*, and *Bellotti* (II), because *Greff* does not disclose or suggest “wherein said flow generator includes a fan, the flow generator being configured to maintain an overpressure in the inner space of the container,” as recited in amended independent claim 1. Accordingly, because the cited references do not disclose each and every element of amended independent claim 1, from which claim 12 depends, the Examiner should withdraw this rejection and allow the claim.

The Examiner also rejected claims 26, 27, and 30 under 35 U.S.C. § 103(a) as being unpatentable over *Shinmoto* in view of *Bellotti*, in view of *Greff*, and further in view of *Bellotti* (II). As noted above, *Shinmoto*, *Bellotti*, *Greff*, and *Bellotti* (II) do not disclose or suggest each and every element of the amended independent claim 1. Accordingly, the Examiner should withdraw the rejections of claims 26, 27, and 30 and allow these claims at least due to their dependence from allowable independent claim 1, and due to their additional recitations of patentable subject matter.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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